



September 28, 2020

Thom Fischer Electron Hydro LLC  
1800 James Street Suite 201  
Bellingham, WA 98225  
[thom@Tollhouseenergy.com](mailto:thom@Tollhouseenergy.com)

Subject: **Amendment to Stop Work Order**  
Electron Hydro Facility Compliance, Shoreline Substantial Development  
Permit Application 858766 and 858765

Mr. Fischer,

After consideration of your concerns and comments, the County regrettably concludes there is no reasonable alternative but to allow the temporary bed channel armoring presented in your September 4<sup>th</sup> plan. This armoring is needed to minimize headcutting and significant scour of the channel, loss of infrastructure along the left bank, and effective operation of the fish ladder.

As such, your proposal to temporarily place large rock in a portion of the western (left-looking downstream) roughly 300 feet in length (approximately 150 feet up and downstream from the centerline of the diversion structure footprint) is approved.

This temporary bed armoring is being allowed pursuant to PCC 18S.60.020 (4): “Emergency Construction necessary to protect property from damage”. Such construction: “.... does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the County to be an appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed, or any permit which would have been required absent an emergency, shall be obtained (18S.60.020 (4) b- emphasis added).

Your September 4<sup>th</sup> Plan concludes this material will be needed through July of 2021, after which it is to be removed.

The County has previously provided permission to construct the abutment wall against the free floating end of the diversion crib. This wall was permitted as part of Substantial Development permit 858766.

Permission was also given to place heavy stone to create a step pool configuration that restores passage through the fish ladder (Item 4 of the County’s September 11 letter). It is acknowledged that this will necessitate machinery in the wet channel. Please ensure water quality related concerns are addressed in your Water Quality Management Plan (WQMP).

The remaining items from our September 11 letter remain in effect, or have been revised as follows:

Item 2: Remove partially buried concrete culverts placed vertically and filled with rubble located in bladder dam foundation area.

Item 5-9: These five items pertain to the need to dewater the current active channel to allow for the removal of remaining astro-turf. These items remain requirements however, their sequence may be modified as you propose in your September 12 e-mail.

- You are not required to truck offsite the material in the Conex boxes. This is river bed material and it may remain onsite. The placement of this considerable volume of material within the channel or on the bank is a considerable source of concern in regards to water quality, Please ensure your WQMP addresses this and have your water quality monitor assess sediment plumes that result, both in proximity to the material and within a 300 foot distance downstream.
- It is acknowledged that machinery may have to be in-water in order to remove the turf and liner. Please refer to the preceding bullet point for WQMP and monitoring requirements.
- Turf and rubber crumb is to be removed and located to a secure site for future analysis. Your River Cleanup memo indicates a storage container has been established for this.
- Super sacks remain the preferred cofferdam mechanism. If you prefer to use existing bed material, as you currently do upstream of the Conex boxes, you may but, this will necessitate additional review by the Department of Fish and Wildlife and the Corps which will delay things.

Item 10: To further ensure protection of fish stocks, Electron Hydro shall block off (weld or bolt shut) the entrance to prevent any water from entering the flume until such time as measures approved by agencies with authority are in effect to prevent accidental entrapment of fish.

Item 11: Materials should be inventoried to ensure their complete removal from the river.

Item 12: Once the site is clean, crane sling out any super-sacks that are present.

Item 13: Encore Environmental is currently serving as an independent site monitor to oversee work. Encore staff are to be onsite whenever river channel related activities are underway. Specific monitoring tasks have been defined in the County's letter of September 23rd.

No one specific person from Encore is responsible for serving as the monitor. It is expected that a number of different persons will serve this purpose. Encore may engage the services of other qualified firms to assist with monitoring should they feel that to be necessary.

Item 14: Electron Hydro shall provide access to the Puyallup Tribe for monitoring at the Tribe's discretion and at any time.

The information provided in your September 4<sup>th</sup> letter, is sufficiently detailed for purposes of County approval of these emergency actions. They are not adequate for any future permitting.

Be advised, Electron Hydro remains obligated to obtain all applicable permits and approvals from other agencies, prior to commencing work.

Other agencies may require more detailed plans/description of the emergency work to occur and Electron Hydro is wholly responsible for coordination to that end. Electron Hydro is also solely responsible for Endangered Species Act coverage consultation and compliance with all environmental laws and regulations.

Please continue to communicate your next steps as we move forward in the process. If you have any questions, contact Dave Risvold at [dave.risvold@piercecountywa.gov](mailto:dave.risvold@piercecountywa.gov), 253-798-7036 (desk) or 253-307-5929 (cell).

Be advised that compliance with the mitigation requirements outlined above will not absolve Electron Hydro or any individuals or entities acting on its behalf from civil or criminal liability arising out of the environmental damage that has been caused by their actions.

Sincerely,



Melanie D. Halsan  
Assistant Director, Planning and Public Works

EC: Bill Sterud, Chair, Puyallup Tribe  
Doug Richardson, Chair, Pierce County Council  
Don Anderson, Pierce County Executive's Office  
Jacalen Printz, US Army Corps of Engineers  
Carol Serdar, WA Department of Ecology  
Chris Czesla, Principal Marine/Fisheries Biologist, Confluence EC  
Gwen Lentes, Program Manager Region 6, WA Department of Fish and Wildlife  
Jeff Huber, Encore Environmental, LLC  
Dennis Hanberg, Director, Pierce County Planning and Public Works  
Todd Campbell, Prosecuting Attorney's Office  
Chris Spens, [cspens@tollhouseenergy.com](mailto:cspens@tollhouseenergy.com)